



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,939	06/09/1999	SHUZO FUJIMURA	18867-000410	7514

20350      7590      07/01/2002  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER AHMED, SHAMIM
---------------------------

ART UNIT 1746	PAPER NUMBER <b>11</b>
------------------	---------------------------

DATE MAILED: 07/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF11

Office Action Summary

Application N . 09/328,939	Applicant(s) FUJIMURA ET AL.	
Examiner Shamim Ahmed	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1)  Responsive to communication(s) filed on 12 April 2002.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4)  Claim(s) 1-3,5,9-11 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-3,5,9-11 and 21 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \*   c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. A part of the information disclosure statement filed 4/12/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The copy of the Japanese patent 75229 is not included herein and also not found in the application NO. 09/268,203. It has been placed in the application file, but the information referred to the Japanese patent has not been considered.

### *Claim Objections*

2. Claim 1 is objected to because of the following informalities: In claim 1, line 2, the phrase "an undesirable influence" does not include a positive limitation. Applicants should provide a positive limitation such as the type of influence. It is also noted that the phrase "Gas-a molecule containing essentially hydrogen—" and gas-B containing essentially a halogen----" in lines 5 and 6, respectively is not proper. Should be written as "Gas-A molecule consisting essentially of hydrogen-----".

If, possible the claim 1 should be re-written by omitting the terms "Gas-C", "Gas-A" and "Gas-B".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-3,5,9-11 and 21 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "a flow rate of hydrogen chloride or hydrogen bromide, which is used as Gas-B in the total gas mixture, wherein the ratio of an amount of hydrogen atom in gas-B to that in Gas-A is larger than 1/480", does not reasonably provide enablement for the flow ratio of Gas-B containing essentially a halogen as claim 1. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification recites a very specific flow rate of hydrogen chloride and hydrogen bromide, which does not enabling for the flow rate of Gas-B containing essentially of halogen.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-3,5,9-11 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. In the claim 1, lines 8-10, the added portion "wherein Gas C comprises a flow rate defined as a ratio of an amount of hydrogen atom in Gas-B to that in Gas-A is

larger than 1/480" renders the claim indefinite because if Gas- B is a halogen such as chlorine or bromine, then how it is possible to contain hydrogen atom compare to that of the gas A such as hydrogen? In the claim 1, line 8, it is not clear that gas C comprises a flow rate. It is suggested that the claim should be written as "the method further comprises a flow rate-----."

***Examiner's Remarks***

8. It is noted that in the marked-up version, the changes made to claims 1-3 and 21 are not shown, whereas claim 4 shows some changes, which should be for claim 1 and claim 21 does not show any changes as mentioned in the page 3 of the response filed 4/12/02. Examiner also points out that if the newly added portion is deleted, then the rejection of the previous Office action will be reinstated.

***Response to Arguments***

9. Applicant's arguments filed 4/12/02 have been fully considered but they are not persuasive. Applicants argue that Moslehi does not teach a plasma source, which is substantially prevents an undesirable influence of a reactive species from the plasma source. This is not persuasive because Moslehi teaches the additives such as HCl or HBr into the plasma source does not affect the removing or etching process (col.10, lines 59-66). So, Moslehi teaches that the plasma process substantially prevents an undesirable influence of a reactive species as claimed.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Application/Control Number: 09/328,939  
Art Unit: 1746

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (703) 305-1929. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703) 308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-7718 for regular communications and (703) 872-9311 for After Final communications.

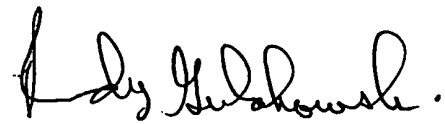
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Application/Control Number: 09/328,939  
Art Unit: 1746

Page 6

Shamim Ahmed  
Examiner  
Art Unit 1746

SA  
June 27, 2002



RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700